

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Introduced**

## **Senate Bill 434**

BY SENATORS WOELFEL, STOLLINGS, CAPUTO, AND

GRADY

[Introduced February 24, 2021; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring law-enforcement training to include standards and procedures for ongoing  
 3 specialized, intensive, and integrative training for persons responsible for investigating  
 4 sexual assault cases involving adult victims.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

**§30-29-3. Duties of the subcommittee.**

1 (a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in  
 2 accordance with §29A-3-1 *et seq.* of this code:

3 (1) Provide funding for the establishment and support of law-enforcement training  
 4 academies in the state;

5 (2) Establish standards governing the establishment and operation of the law-enforcement  
 6 training academies, including regional locations throughout the state, in order to provide access  
 7 to each law-enforcement agency in the state in accordance with available funds;

8 (3) Establish minimum law-enforcement instructor qualifications;

9 (4) Certify qualified law-enforcement instructors;

10 (5) Maintain a list of approved law-enforcement instructors;

11 (6) Promulgate standards governing the training, firearms qualification and initial and  
 12 ongoing professional certification of law-enforcement officers and the entry-level law-enforcement  
 13 training curricula. These standards shall require satisfactory completion of a minimum of 800  
 14 classroom hours as promulgated by legislative rule and shall provide that the required classroom  
 15 hours shall be accumulated on the basis of a full-time curricula;

16 (7) Establish standards governing in-service law-enforcement officer training curricula and  
 17 in-service supervisory level training curricula;

18 (8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial  
 19 profiling training course or module;

20 (9) Establish standards governing mandatory training to effectively investigate organized  
21 criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling,  
22 as defined in §30-29-10 of this code, for entry level training curricula and for law-enforcement  
23 officers who have not received ~~such~~ the training as certified by the subcommittee as required in  
24 this section;

25 (10) Establish procedures for implementation of a course in investigation of organized  
26 criminal enterprises which includes an anti-racial training module to be available on the Internet  
27 or otherwise to all law-enforcement officers. The procedures shall include the frequency with  
28 which a law-enforcement officer shall receive training in investigation of organized criminal  
29 enterprises and anti-racial profiling and a time frame for which all law-enforcement officers ~~must~~  
30 shall receive such training: *Provided*, That all law-enforcement officers in this state shall receive  
31 ~~such~~ the training no later than July 1, 2012. In order to implement and carry out the intent of this  
32 section, the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

33 (11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5  
34 and §30-29-11 of this code;

35 (12) Establish standards and procedures for the reporting of complaints and certain  
36 disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-  
37 enforcement officers. These standards and procedures shall provide for preservation of records  
38 and access to records by law-enforcement agencies and conditions as to how the information in  
39 those records is to be used regarding an officer's law-enforcement employment by another law-  
40 enforcement agency;

41 (A) The subcommittee shall establish and manage a database that is available to all law-  
42 enforcement agencies in the state concerning the status of any person's certification.

43 (B) Personnel or personal information not resulting in a criminal conviction is exempt from  
44 disclosure pursuant to the provisions of chapter 29B of this code;

45 (13) Seek supplemental funding for law-enforcement training academies from sources

46 other than the fees collected pursuant to §30-29-4 of this code;

47 (14) Any responsibilities and duties as the Legislature may, from time to time, see fit to  
48 direct to the subcommittee; and

49 (15) Establish standards and procedures for ongoing specialized, intensive, and  
50 integrative training for persons responsible for investigating sexual assault cases involving adult  
51 victims. This training shall include instruction on:

52 (A) The neurobiology of trauma;

53 (B) Trauma informed interviewing; and

54 (C) Investigative techniques.

55 ~~(15)~~ (16) Submit, on or before September 30 of each year, to the Governor, the Speaker  
56 of the House, the President of the Senate, and, upon request, to any individual member of the  
57 Legislature a report on its activities during the previous year, and an accounting of funds paid into  
58 and disbursed from the special revenue account established pursuant to §30-29-4 of this code;

59 ~~(16)~~ (17) Develop and promulgate rules for state, county, and municipal law-enforcement  
60 officers, law-enforcement agencies, and communications and emergency operations centers that  
61 dispatch law-enforcement officers with regard to the identification, investigation, reporting, and  
62 prosecution of suspected child abuse and neglect: *Provided*, That ~~such~~ the rules and procedures  
63 ~~must~~ shall be consistent with the priority criteria prescribed by generally applicable department  
64 procedures;

65 ~~(17)~~ (18) Make recommendations to the Governor's Committee on Crime, Delinquency,  
66 and Correction for legislation related to the subcommittee's duties and responsibilities, or for  
67 research or studies by the Division of Administrative Services on topics related to the  
68 subcommittee's duties and responsibilities.

69 (b) In addition to the duties authorized and established by this section, the subcommittee  
70 may:

71 (1) Establish training to effectively investigate human trafficking offenses as defined in

72 §61-2-1 *et seq.* of this code for entry level training curricula and for law-enforcement officers who  
73 have not received ~~such~~ the training as certified by the committee as required by this section; and

74 (2) Establish procedures for the implementation of a course in investigation of human  
75 trafficking offenses. The course may include methods of identifying and investigating human  
76 trafficking and methods for assisting trafficking victims. In order to implement and carry out the  
77 intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15  
78 of this code.

79 (c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny  
80 an application for the establishment of a new law-enforcement training academy if it is determined  
81 by the subcommittee that no actual need exists for the establishment of additional law-  
82 enforcement training academies to meet the needs of existing law-enforcement agencies in the  
83 state.

NOTE: The purpose of this bill is to require law-enforcement training to include standards and procedures for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.